

Support for these amendments and new claims is found in the application as originally filed.

REMARKS

Applicant respectfully requests reconsideration of the above-identified application. Claims 1-10, 12-15, 17-37 remain in this application. Claims 1, 7, 13-15, and 17-20 are amended and claims 21-37 are added to more particularly point out and distinctly claim the subject matter that Applicant regards as his invention. Claims 11-12 and 16 are cancelled since their subject matter is covered by the other claims. Applicant respectfully traverses the rejections as conceivably applied to the amended and new claims.

Attached is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made."

I. Drawing Objection

The drawings were objected to under 37 C.F.R. §1.83(a). Unless advised otherwise in the next Office Action, it will be assumed that this objection was made because the nature of the subject matter sought to be patented admits of illustration by a drawing without the drawing being necessary for the understanding of the subject matter – that is, the drawing is desired merely to facilitate the understanding of the subject matter disclosed.

Accordingly, Applicant has amended the drawings to add Fig. 2. Applicant respectfully requests the Examiner's approval of the added drawing and withdrawal of the objection.

II. Non-Art Rejections

Applicant has rewritten the claims to overcome the indefiniteness rejection under 35 U.S.C. § 112, second paragraph. Independent claim 7 has been broadened by deleting the claim recitation of "the source." Independent claim 16 has been cancelled in view of the coverage provided by the new independent method claims.

III. Rejections Based on the Art

The previously presented claims were rejected under 35 U.S.C. § 102(b) as anticipated by: 1) Regulla et al, "Dosimetry by ESR Spectroscopy of Alanine," Int. J. Appl. Radiat. Isot., Vol. 33, pp. 1101-1114 (1982) and 2) U.S. Patent 4,668,714 to Morita. Applicant respectfully traverses these rejections.

Regulla discloses dosimetry based on the electron spin analysis of radiation-induced free radicals in alanine. (Page 1114 Summary.) Regulla prepared dosimeter pellets made of up to 90 weight % alanine bound in paraffin. (Page 1104 Sample Preparation.)

Morita discloses the use of alanine in a molded dosimeter. (Column 2, lines 66-68.) Ten to 500 parts by weight of alanine is mixed with 100 parts by weight rubber to produce a molded rubber dosimeter. (Column 3, lines 29-31, 56-59.)

Both Regulla and Morita fail to disclose or even suggest the incorporation of an authenticating agent (e.g., alanine) into *a package*, as recited in the independent claims. Further, Regulla and Morita fail to teach or suggest anything about the *authentication* of a package. To anticipate a claim, the applied reference must teach each and every element of the claim. MPEP §2131. The Regulla and Morita references each fail to do so.

The first Office Action states with respect to Morita that the alanine is incorporated in a rubber that is a "packaging film." Applicant respectfully traverses that statement because Morita teaches nothing about packaging concepts – failing even once to recite the word "packaging." Rather, Morita teaches a mixture of rubber and alanine as a *dosimeter*.

The dependent claims include further recitations to those of the independent claims from which they depend, and therefore are further patentable over Regulla and Morita.

IV. Conclusion

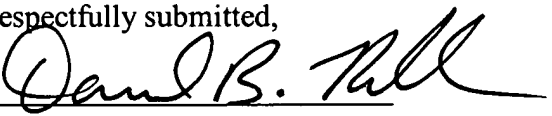
In view of the above amendments, new claims, and these remarks, it is respectfully submitted that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

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ATTACHMENT

Version with Markings to Show Changes Made

In the Drawings:

The drawing of Fig. 2 has been added.

In the Specification:

A paragraph has been added at page 7 before the title "Detailed Description of Illustrative Embodiments."

In the Claims:

Claims 11-12 and 16 have been cancelled.

Claims 1, 7, 13-15, and 17-20 have been amended as follows:

1. (Amended) A package comprising a product and an effective amount of authenticating agent incorporated into the package, wherein the authenticating agent is a substance that forms detectable free radicals upon irradiation.

7. (Amended) A method of making a package, comprising:

incorporating an authenticating agent into a component of the package as an in situ product marker, wherein the authenticating agent is a substance that forms detectable free radicals when exposed to ionizing radiation, said authenticating agent being present in a manner such that the free radicals provide a characteristic spectral response when subjected to a spectroscopic analysis capable of detecting free radicals in order to allow authentication [information indicative of the source] of the package [to be determined] from said spectral response.

13. (Amended) The method of claim 21 [11], wherein the spectroscopically analyzing comprises [spectroscopic analysis is] electron spin resonance spectroscopy.

14. (Amended) The method of claim 21 [11], wherein the given effective amount of radiation [ionizing irradiation] comprises at least one of gamma radiation, electron beam radiation, corona discharge, plasma discharge, X-rays and microwave energy.

15. (Amended) The method of claim 21 [11], wherein at least one of the one or more authenticating agents comprises alanine.

17. (Amended) The method [authenticating system] of claim 22 [16], wherein the given effective amount of radiation [ionizing irradiation] comprises at least one of gamma radiation, electron beam radiation, corona discharge, plasma discharge, X-rays and microwave energy.

18. (Amended) The method [authenticating system] of claim 22 [16], wherein the spectroscopically analyzing [spectroscopic system] comprises [an] electron spin resonance spectroscopy [system].

19. (Amended) The method [system] of claim 22 [16], wherein at least one of the one or more authenticating agents comprises at least one of an amino acid, a sugar, and an amine salt of an organic acid.

20. (Amended) The method [system] of claim 22 [19], wherein at least one of the one or more authenticating agents comprises alanine.

Claims 21-37 have been added.